

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
FEBRUARY 10, 2005

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").

- II. **SUBJECT:** Administrative and Consent Orders issued during the period December 1, 2004, through December 31, 2004.

- III. **FACTS:** For the period December 1, 2004, through December 31, 2004, EQC issued thirty-four (34) Consent Orders with total assessed civil penalties in the amount of \$196,250.00. There were two (2) Administrative Orders placed in force during this reporting period with total assessed civil penalties of \$69,650.00.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

<u>Bureau</u>	<u>Administrative Orders</u>	<u>Assessed Penalties</u>	<u>Consent Orders</u>	<u>Assessed Penalties</u>
Land & Waste Management				
Hazardous Waste	0	\$ 0	5	\$ 54,500
Solid Waste	0	0	6	4,000
UST Program	1	32,650	1	1,600
SUBTOTAL	1	\$32,650	*10	\$ 60,100
Water				
Drinking Water	0	\$ 0	1	\$ 3,500
Water Pollution	1	37,000	7	32,400
SUBTOTAL	1	\$ 37,000	8	\$ 35,900
Air Quality				
SUBTOTAL	0	\$ 0	16	\$100,250
TOTAL	2	\$69,650	34	\$196,250

*Hazardous Waste is credited with 5 orders and Solid Waste is credited with 6 orders; however, the BLWM subtotal is 10 because two orders were joint orders between the two programs.

ANALYSIS: During the reporting period, Solid Waste Enforcement and Hazardous Waste Enforcement issued two multi-media consent orders. Both consent orders were issued against solid waste processing facilities that improperly accepted hazardous waste for processing due to inadequate waste screening procedures. One of the facilities improperly treated and disposed of a small amount of liquid hazardous waste at a Subtitle D Landfill. All other hazardous wastes were properly disposed at hazardous waste disposal facilities. The Department assessed a civil penalty in the amount of twenty-seven thousand five hundred dollars (\$27,500.00), which was subsequently suspended due to the Respondent's financial inability to pay the penalty. The other facility transported and properly disposed of all hazardous wastes it improperly accepted. The Department assessed a civil penalty in the amount of eight thousand dollars (\$8,000.00), which has been paid. Both Respondents have revised their waste control plans to prevent future violations.

Water Pollution Enforcement issued an Administrative Order against a real estate developer for stormwater and sediment control violations at four separate sites. The violations included: initiating land disturbing activities prior to obtaining a permit; failure to properly operate and maintain the facilities; and discharging sediment into the environment. The Administrative Order included a civil penalty in the amount of thirty-seven thousand dollars (\$37,000.00). The Respondent did not appeal the Administrative Order and has not complied with the requirements. The Department has issued a Notice of Violation to the Respondent for failure to comply with the Order requirements.

Air Quality Enforcement issued a Consent Order against a licensed asbestos abatement contractor for violating numerous Federal and State asbestos regulations during two separate incidences. Some of the violations include: failure to follow all work practice requirements after causing asbestos containing material to become regulated; failure to ensure that each worker at the site met applicable training and licensing requirements; and failure to ensure that regulated asbestos-containing material did not accumulate during abatement activities. The Department assessed a civil penalty in the amount of twenty thousand dollars (\$20,000.00) in the Consent Order.

Of the thirty-four (34) Consent Orders issued by EQC enforcement programs during the reporting period, the enforcement programs report, to date, that thirty-one (31) Respondents have either complied with all requirements of the orders or are currently in compliance with schedules required in those orders.

Submitted by:

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